



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

Wednesday, June 13, 2007
9:00 a.m.

Boardroom of the State of Nevada Gaming Control Board
Grant Sawyer Building
555 E. Washington Avenue
2nd Floor, Executive Conference Room
Las Vegas, Nevada 89101

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members Present:

Jim Kosinski, Esq., Chairman; Mark Hutchison, Esq., Vice Chairman;
Timothy Cashman; William Flangas; Rick Hsu, Esq.; George Keele, Esq.

Commission Members absent due to their participation in the panel proceeding:
Caren Jenkins, Esq.; Randall Capurro

Commission on Ethics Staff Present:

L. Patrick Hearn, Executive Director
Adriana G. Fralick, Esq., General Counsel
Matt Di Orio, Senior Investigator
Tami DeVries, Research Analyst

Others Present:

Peter Liakopoulos, Member, Nye County Board of Commissioners;
Media representatives
Members of the General Public

Chairman Kosinski called the meeting to order at 9:06 a.m., Wednesday, June 13, 2007.

Agenda Item 1 – Request for Opinion No. 07-21C

Open session to hear testimony, receive evidence, deliberate and render an opinion relating to a Request for Opinion submitted pursuant to NRS 281.511(2)(b), alleging that certain conduct of Peter Liakopoulos, Member, Nye County Board of Commissioners, violated the provisions of NRS 281.501(2), and NRS 281.501(4).

Chairman Kosinski opened this agenda item. Commissioner Flangas made a disclosure that he has a personal and social acquaintance with Mr. Liakopoulos through church activities, but that this relationship would not preclude him from participating in the matter.

The issue before the Commission is as follows:

- With regard to NRS 281.501(2), at the March 20, 2007 Nye County Board of County Commissioners meeting, Mr. Liakopoulos voted on an agenda item concerning an offer of dedication and approval of chip sealing Higley Road, which affected KPVM-TV Channel 41, an entity with whom Mr. Liakopoulos has a commitment in a private capacity.
- With regard to NRS 281.501(4), at the March 20, 2007 Nye County Board of County Commissioners meeting, did Mr. Liakopoulos fail to make a sufficient public disclosure regarding his business relationship with KPVM-TV Channel 41, an entity with whom he has a commitment in a private capacity, at the time a matter was considered regarding an offer of dedication and approval of chip sealing Higley Road, which is a private road owned by the owner of KPVM-TV Channel 41.

Mr. Liakopoulos was sworn in and provided testimony.

Following testimony, Commissioner Hutchison moved that the Commission on Ethics find that Mr. Liakopoulos's disclosure during the March 2007 Nye County Commission meeting contains sufficient information as required by NRS 281.501(2) and that Mr. Liakopoulos did not violate NRS 281.501(4) by voting and participating in the agenda item concerning the sealing and chipping of the road. Commissioner Hsu seconded the motion. The motion was put to a vote and passed 5-1. Chairman Kosinski opposed.

Chairman Kosinski clarified for the record that the complaint against Mr. Liakopoulos has been dismissed.

Chairman Kosinski closed this agenda item and a ten-minute recess was taken.

Agenda Item 2 – Request for Opinion No. 07-06A

Closed session pursuant to NRS 281.511(5), to hear testimony, receive evidence, deliberate, and render an opinion relating to a confidential Advisory Opinion Request submitted pursuant to NRS 281.511(1).

Chairman Kosinski noted for the record that this agenda item was withdrawn and, therefore, the agenda item was closed.

Agenda Item 3 – Open session for discussion and possible action relating to the Annual Report of the Executive Director for fiscal year 2007.

Chairman Kosinski opened this agenda item and asked Mr. Hearn to explain the handout that he provided to the Commissioners with regard to publishing the annual reports. Mr. Hearn stated that there is no mandate either in statute or regulation to produce a hard copy of the annual reports, and that many state agencies are producing their reports only electronically. He further stated that, after considering the costs involved, he would like some direction as to whether or not the Commission could discontinue the hard copy distribution and just go electronically. He suggested that we [staff] would produce hard copies and bind them for members of the Commission and anyone else that we may feel would be appropriate. For all others on the current distribution list, we could simply e-mail them or send them a notification that the information is now available on our web site.

The Commissioners agreed that, although most people would prefer an electronic copy, they believe that high-quality hard copies should continue to be produced. Commissioner Cashman suggested that the Commission produce hard copies and that Mr. Hearn include a note with each report advising the recipient to inform him, if for future reports, they would prefer electronic copies.

Chairman Kosinski requested that Mr. Hearn find out the costs for printing 150 reports versus 250, and depending on the difference, he and Mr. Hearn will determine how many reports will be produced. He also asked that Mr. Hearn include a notice with the reports that the Commission is considering relying on the electronic communication in future years, requesting a return response with their preference. Chairman Kosinski stated that the report should be placed on the web site as well.

Chairman Kosinski closed this agenda item.

Agenda Item 4 – Open session for update by the executive director, discussion and possible action relating to 2007 legislative session.

Chairman Kosinski opened this agenda item and asked Mr. Hearn to provide the Commission with a report on the outcome of the 2007 legislative session. Mr. Hearn and Ms. DeVries provided clarification about the bills that had been signed, those that became law without

signatures, and those that died. They also confirmed that the Commission still has responsibility for the financial disclosure statements for appointed public officers as that bill did not pass. Chairman Kosinski requested that Mr. Hearn contact the Secretary of State's office to find out what they are doing about reviewing the Financial Disclosure Statements that are filed with their office. Commissioner Keele requested that this issue be placed on a future agenda so that Mr. Hearn can then report to the Commission about his meeting with the Secretary of State's office and to discuss fiscal impact if necessary for this agency to serve its statutory duty.

Chairman Kosinski requested that this item be placed on the July agenda to include the regulation for reviewing the Financial Disclosure Statement forms, the outcome of the meeting with Secretary of State and whether or not changes should be made to the form.

Chairman Kosinski closed this agenda item.

Agenda Item 5 – Open session for discussion and possible action regarding the possible complaint to remove from office, George Chachas, Mayor, City of Ely

Chairman Kosinski opened this agenda item. Ms. Fralick advised Commissioners that George Chachas was no longer in office, and therefore, the issue of removing him from office is now a moot point. After further discussions, Commissioner Hsu moved that the Commission not file the complaint because the matter has become moot. Commissioner Keele seconded the motion. The motion was put to a vote and passed unanimously. The agenda item was closed.

Agenda Item 6 – Open session for discussion and possible action regarding amendments to existing regulations or new regulations due to statutory changes enacted by the 1007 legislative session.

Chairman Kosinski opened this agenda item. Ms. DeVries advised that the Commission would need to make changes in accordance to the new NRS 281.511 with the date and timing. She also stated that she has many other suggestions that she would like to go over with Pat and she will make any recommendations concerning new and amended regulations at the July meeting.

Chairman Kosinski closed this agenda item.

Agenda Item 7 – Open session for discussion and possible action concerning any needed regulations to facilitate complaints that may be filed by the Commission on its own motion.

Chairman Kosinski opened this agenda item to discuss the Commission's right to file a complaint on its own motion and how the issue would be brought forward. In particular, if any Commissioner can bring the case forward, or would it be directly through the Executive Director. Mr. Hearn suggested that, any Commissioner who may feel that filing a complaint on the Commission's own motion is appropriate could advise the Executive Director who would then bring the complaint forward.

Chairman Kosinski requested Ms. Fralick to give some thought to the threshold of filing a complaint, and whether she believes that a regulation is necessary. He also asked her to report back to the Commission.

Chairman Kosinski closed this agenda item.

Agenda Item 8 – Open session for review of the Request for Opinion Log.

Chairman Kosinski opened this agenda item. He then proceeded to question the delay of completing investigations and written opinions for the remaining outstanding cases for 2006. He stressed that he would like to see the workload caught up as soon as possible and to see investigations moving along faster. He also expressed concerns that public officers have come to us for an opinion and he believes they are having to wait too long to receive the written opinion.

Discussions were also made with regard to allowing a 20-day maximum period to the waiver form to allow the subject of a complaint 20 days to provide a response to the allegations if they choose to waive the 10-day time limit provided by regulation.

Chairman Kosinski also asked that Counsel Fralick review the statutory language of NRS 281.511(3) to determine if the Commission could adopt a regulation to establish when the 45-day timeframe begins for investigating a complaint that was appealed and later accepted by a panel.

Chairman Kosinski closed this agenda item.

Agenda Item 9 – Open session for Chairman's Comments.

Chairman Kosinski opened this agenda item. He stated that some Commissioners expressed an interest in meeting on Thursdays rather than Wednesdays as currently scheduled. He advised that, beginning in January of 2008, Commission meetings will be scheduled the second Thursday of each month. He also confirmed that videoconferencing between the North and South will be conducted for all meetings except for third-party complaints, at which he would like all Commissioners to be present at one location.

Chairman Kosinski closed this agenda item.

Agenda Item 10 – Open session for public comment

Chairman Kosinski opened the agenda item for public comment. No public comment was made, and the agenda item was closed.

Chairman Kosinski adjourned the meeting at 12:36 p.m.

Minutes transcribed by:

Minutes approved July 19, 2007

Emily H. Nunez, Office Manager

Jim Kosinski, Chairman